THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 9974 OF 2000

Dated 26th June, 2007

Between:

Voochamma

…Petitioner.

And

The Government of Andhra Pradesh,
represented its Secretary, Revenue (Assn-IV)
Department, Secretariat, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner has questioned the order dated 28.12.1994 passed by the Revenue Divisional Officer, Madanapalle allowing the appeal filed by the 5th respondent and remitting the matter for fresh consideration, as affirmed by the Joint Collector and the Government.

Originally, one Erappa was assigned an extent 0.74 cents of land covered by Survey No.281/2 situated at T.Sadumuru village in proceedings A.M.No.618/4/89. On the ground that the said original assignee alienated the land contrary to the assignment conditions, the assignment was cancelled and the very same land was reassigned in favour of the petitioner in proceedings DKT No.47/4/99, dated 30.3.1990. Aggrieved by the said orders granting reassignment in favour of the petitioner, the 5th respondent carried the matter in appeal before the Revenue Divisional Officer. The said authority by his order dated 28.12.1994 passed in proceedings D.Dis.No.3756/93 allowed the appeal and remitted the matter back for de novo enquiry.

Though it is a remand order passed by the Revenue Divisional Officer, Madanapalle, the matter was carried in Revision before the Joint Collector, Chittoor. However, the Joint Collector in his proceedings D.Dis.(B3)21785/95, dated 11.6.1997, exceeding the scope of the revision filed by the petitioner has ordered restoration of land in favour of Erappa with a further direction that if he is found ineligible, land should be assigned to landless poor persons belonging to Scheduled Castes or Scheduled Tribes in the village. Aggrieved by the said order, the matter was carried in

further revision to the Government and the Government by order dated 22.3.2000, by a cryptic order, dismissed the revision petition stating that there are no grounds to interfere.

The order passed by the Sub-Collector/Revenue Divisional Officer is only an order of remand for fresh consideration by the Mandal Revenue Officer with regard to cancellation of assignment in favour of the 5th respondent and reassignment of the very same land in favour of the petitioner. I do not find any illegality in the said order. But, however, when the revision was filed, the revisional authority exceeded the scope of the revision and gave direction, which would run beyond the scope of the proceedings. Even the Government has also not considered the plea of the petitioner and summarily rejected appeal by recording a finding that there are no grounds. But, however, as the order of the Revenue Divisional Officer is only a remand order, I do not find any illegality in the said order and therefore, I set aside the order of the Joint Collector dated 11.6.1997 passed in D.Dis.(B3)/21785/95 and the order of Government dated 22-3-2000 passed in proceedings Letter No.72628/Asn.IV(2)/97-5 and direct the Mandal Revenue Officer to consider the matter afresh and pass appropriate order in the light of the directions issued by the Revenue Divisional Officer through his order dated 28.12.1994. Till appropriate orders are passed, the petitioner and respondents are directed to maintain status quo with regard to possession of the land covered by Survey No.281/2 admeasuring 0.74 cents situated at T.Sadumuru village, Chittoor District.

Subject to above direction, the writ petition is disposed of. No costs.

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26-6-2007

R.SUBHASH REDDY, J.

VR.